



UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
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# MEMO ENDORSED

August 26, 2008

Via Facsimile

Hon. P. Kevin Castel  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 2260  
New York, NY 10007

RE: S.E.C. v. Empire Development Group, LLC et al. (07 Civ. 3896 (PKC))

Dear Judge Castel:

We write to seek an extension to the Commission's deadline to reply to Felix Strashnov's opposition to the Commission's proposed final judgment (Strashnov's "Opposition Papers"). The Commission received Mr. Strashnov's Opposition Papers yesterday, August 25, 2008, the deadline imposed by the Court in its August 8, 2008 endorsed letter affording Mr. Strashnov a third extension of time to respond to the Commission's proposed final judgment. Unlike the Court's prior orders extending Mr. Strashnov's time to respond, the August 8 order did not note any change in the Commission's deadline to reply to any papers submitted by Mr. Strashnov.<sup>1</sup>

Mr. Strashnov's appears to intend for his Opposition Papers to serve three purposes: (i) to respond to the Commission's proposed final judgment; (ii) to move to vacate the Court's summary judgment opinion,<sup>2</sup> and (iii) to respond to the Commission's Memorandum of Law in Support of its Motion for Summary Judgment. The Commission notes that Mr. Strashnov is not represented by counsel in this action (counsel was employed only by the corporate defendants), and the time for Mr. Strashnov to respond to the Commission's summary judgment papers has long passed.

In order to fully address Mr. Strashnov's Opposition Papers, the Commission respectfully requests that the Court extend the deadline for the Commission's reply papers to September 26, 2008.

<sup>1</sup> In a July 16, 2008 order, Judge Castel extended Mr. Strashnov's response deadline to July 24, 2008 and set the Commission's reply deadline for today, August 26, 2008.

<sup>2</sup> In his Opposition Papers, Mr. Strashnov styles his request as a "motion to vacate the prior court order granting plaintiff summary judgment ... on the ground of ineffective assistance of counsel."

August 26, 2008  
Hon. P. Kevin Castel

Please do not hesitate to contact us if we can be of any assistance in this matter.

Respectfully,

/s/ Michael D. Birnbaum  
Michael D. Birnbaum  
Attorney  
Division of Enforcement